



CALIFORNIA

Technician/AGR Administrative Instruction

National Guard Technicians - CAL NG Active Guard/Reserve

MILITARY DEPARTMENT

**P. O. BOX 269101
Sacramento, CA 95826-9101**

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RE-ISSUE FAMILY-FRIENDLY LEAVE POLICIES

1. The Family Friendly Leave Act of 1993 was expanded in June 2000. As a result, use of sick leave to care for family members has changed significantly. Under 5 CFR 630.401, sick leave may be used as follows:

a. Receive medical, dental or optical examination or treatment;

b. Incapacitation for the performance of duties by physical or mental illness, injury, pregnancy or childbirth. Federal technicians, including birth mothers, do not have an automatic entitlement to "maternity leave". Sick leave is granted to a birth mother for the period of incapacitation as a result of physical or mental illness, injury, pregnancy, childbirth or medical examination or treatments. Supervisors may grant sick leave only when supported by evidence that is administratively acceptable. A medical certification may be required to verify the incapacitation. The birth mother must use annual leave and/or leave without pay for absences from work beyond the period of incapacitation, e.g., for care of the newborn, bonding with the child, and other child care responsibilities. There is no provision to permit the use of sick leave by birth parents who voluntarily choose to be absent from work to bond with a child.

c. Provide care for a family member as a result of physical or mental illness; injury, pregnancy; childbirth, or medical, dental, or optical examination or treatment. Sick leave may be used by an employee to give care, or otherwise attend to, a family member having an illness, injury, or other condition which, if an employee had such condition, would justify the use of sick leave, then the employee's use of sick leave to care for that family member is justified. Family members mean the following:

- (1) Spouse, and parents thereof;
- (2) Children, including adopted children and spouses thereof;
- (3) Parents;
- (4) Brothers and sisters, and spouses thereof;

(5) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

d. Make arrangements necessitated by the death of a family member or attend the funeral of a family member. Employees can use sick leave for purposes related to the death of a family member. For example, travel, attending services, reading of the will. The definition of family member found above applies to bereavement.

e. Exposure to a communicable disease, that would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his or her presence on the job. Leave approving officials should rely on the expertise of health authorities or a health care provider in determining whether a communicable disease would place the health of the work force in danger.

f. Absence from duty for purposes relating to the adoption of a child, including appointments with adoption agencies social workers, and attorneys, court proceedings, travel, and other activities necessary to allow an adoption to proceed. For example, if an adoption agency or court orders or requires adoptive parent(s) to take a specific period of time off to bond with the child, sick leave may be granted. However, sick leave is not justified if adoptive parent(s) wish, on their own, to remain at home to bond with the child.

g. There is a limit on the amount of sick leave an employee can use for family care and bereavement each leave year. **The basic limit for full-time employee is 40 hours. An additional 64 hours can be used if the leave does not cause the amount of sick leave to the employee's credit to fall below 80 hours. The minimum amount must exist after deducting the amount used for family care or bereavement. Sick leave may be advanced for the initial 40 hours but may not be advanced to keep the balance from going below the required 80 hours credit.**

h. An employee who is caring for a family member with a serious illness may use up to a total of 480 hours of sick leave during a leave year as long the amount does not cause the sick leave balance to go below 80 hours. Sick leave may not be advanced to keep the balance from going below the required 80 hours.

2. Under the Family and Medical Leave Act of 1993 (FMLA) covered by CFR 630.1201, Federal employees are entitled to a total of **12 administrative workweeks of unpaid leave** during a 12-month period for (**NOTE:** This leave is different than the Family-Friendly leave identified in paragraph 1):

- a. The birth of a son or daughter and care of the newborn;
- b. The placement of a son or daughter with the employee for adoption or foster care;
- c. The care of a spouse, son, daughter, or parent with a serious health condition;

d. A serious health condition that makes the employee unable to perform the duties of his or her position.

Upon return from such leave, an employee must be returned to the same position or to an equivalent position with equivalent benefits and status.

3. Employees are entitled to use 7 days of paid leave each calendar year (in addition to annual

or sick leave) to serve as bone marrow or organ donor.

4. Questions may be directed to Ms. Nancy Hamilton at CAGNET 63411, DSN 466-3411 or 916-854-3411.

FOR THE ADJUTANT GENERAL:

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